



MAYOR AND COUNCIL AGENDA

NO. 6 DEPT.: Legal/ Community Planning and Development Services DATE: Jan. 12, 2004

Contact: Deane Mellander, Planner III

ACTION: Discussion and Instruction on Preliminary Development Plan application PDP2004-00007: To allow for a mixed-use development of office, residential and retail uses at the corner of Choke Cherry Road and Shady Grove Road (Upper Rock District); The JBG Companies, applicants.

ACTION STATUS:

FOR THE MEETING OF: 1/18/05

INTRODUCED

PUB. HEARING 12/6/04

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER 25

SECTION 660

☐ CONSENT AGENDA

RECOMMENDATION: Discuss the results of the public hearing and instruct staff on preparation of a resolution of adoption with the conditions set forth beginning on page 11 of the staff report to the Planning Commission (Attachment 6, circle 41-43), with the following changes as recommended by the Planning Commission:

1. Condition 4 should be modified to include the applicant's proposal to add a left turn lane from eastbound King Farm Boulevard to northbound Frederick Avenue.
2. Condition 9 should be expanded to cover the necessary alignment of bus shelter locations and crosswalks at the Shady Grove Road/Choke Cherry Road intersection, in coordination with the Montgomery County Department of Public Works and Transportation.
3. Condition 16 should be modified to read as follows: "Building designs shall incorporate green building and LEED energy efficient standards."
4. Add a new condition stating that traffic mitigation measures must be instituted with the beginning of project construction, rather than at the end.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

Will allow for a substantial mixed-use redevelopment of a portion of the Danac Technology Park.

BACKGROUND: The applicant has filed an application for a Preliminary Development Plan for a mixed-use development at the southwest quadrant of Choke Cherry Road and Shady Grove Road. The application calls for the retention of the existing 238,086 square foot office building; the construction of multi-family residential units, including the conversion of the existing office building at 3 Choke Cherry Road to residential units; and the addition of service retail commercial and restaurants. The summary of the development proposal is as follows:

Office:	245,336 square feet
Multi-family residential:	844 units, including 94 senior housing MPDU's
Service retail:	7,250 square feet
Restaurant:	9,000 square feet

The Planning Commission considered this proposal at their meeting on December 1, 2004 and unanimously recommended approval. Their recommendation is attached.

The project includes several innovative ideas, including "live/work" units, a decorative "green wall" along the I-270 and Shady Grove Road frontages, incubator retail, and "green" building designs. The applicant proposes to reserve the 94 moderate-priced dwellings for senior living units. Off-site traffic mitigation measures are also proposed.

A summary of the testimony received at the hearing is provided as Attachment 1 (circle 1). There was no testimony in opposition to the proposed application.

The Mayor and Council asked for clarification or further information on a number of issues. These are also noted on Attachment 1 (circle 1).

The Mayor and Council asked what the net number of new trips generated by the site would be. The attached chart (Attachment 3, circle 16) provides a breakdown of existing vs. new trips. As can be seen, the net new trips generated by the proposed PDP development are 20 in the a.m. peak, and 156 in the p.m. peak. This result is due to the deletion of the 2 office buildings totaling 117,000 square feet approved under Use Permit USE2003-00658, plus the conversion of the 73,700 square feet of office at the 5 Choke Cherry Road building to residential/live-work units included in the PDP. The applicant had not deducted the 2 approved office buildings, and their net new trip numbers were 191 in the a.m. and 188 in the p.m. This is shown in the note at the bottom of circle 16.

A question was also raised about proximity of fire protection service. Staff notes that the proposed new fire station near the intersection of Darnestown Road and Great Seneca Highway is shown in the adopted County CIP for construction in FY 2008. This would be in the same timeframe as the expected completion of the Upper Rock project. At present, the site is at the edge of the seven-minute response time area. Construction of the new station will put the site well within the seven-minute response time area.

Other questions posed by the Mayor and Council have been addressed by the applicant in Attachment 4 (circle 17-28). These questions relate to the following: Character and uses of the green area; details of the landscaped wall; dialog with the King Farm developers; viability of the retail; and dimensions of the building facades. The applicant will be has provided sample roadway sections, as requested (circle 21-26).

PREPARED BY:

Deane E. Mellander

Deane Mellander, Planner III

1/11/05
Date

APPROVE:

Robert J. Spalding / cr
Robert J. Spalding, AICP, Chief of Planning

1/11/05
Date

APPROVE:

Arthur D. Chambers
Arthur D. Chambers, AICP, CPDS Director

1/11/05
Date

APPROVE:

Scott Ullery
Scott Ullery, City Manager

Date

1/11/05
Date

LIST OF ATTACHMENTS:

1. Summary of Public Hearing testimony.
2. Public hearing exhibits.
3. Traffic summary chart.
4. Applicant's response to testimony and questions.
5. Planning Commission recommendation.
6. Staff report to the Planning Commission.

**SUMMARY OF TESTIMONY FOR PUBLIC HEARING
HELD DECEMBER 6, 2004
PDP2004-00007
UPPER ROCK DISTRICT**

Speaker	Summary of Testimony
Matt Hurson – JBG, applicant	All traffic generated by the project has been mitigated; applicant proposes even further mitigation measures in the King Farm area. The project will be a net benefit to the City, and is recognized as a “Smart Growth” project. The 94 senior designated MPDU’s will be first offered to the City, then to the County, then back to the City again before coming on the open market. The proposed split between rentals and condos is 50-50, though the preference would be for ownership.
John Bailey – Smart Growth Alliance	The Alliance Smart Growth Recognition Program jury recognized and recommended this project as a Smart Growth Project in October, 2004. It meets the criteria for location, density, design, mix of uses, transportation accessibility, environmental issues, and community assets.
Brian Pierce and Susan Pierce	Fully support the project; a great improvement over having another office park. A project that is innovative and worthwhile. The charrette process was excellent. Ms. Pierce also stated that the project would show leadership and innovation by the City, possibly leading to national recognition.
Wayne Goldstein – Sustainable Montgomery	The charrette process was an amazing experience. It is exciting to see the recycling of an existing office building.
Michael Mogil	Fully supports the project. “Two thumbs up.”

Questions raised by Mayor and Council to be Addressed at D&I:

- Address the size, character and uses proposed for the green areas. (Attachment 4)
- Provide traffic generation comparisons between approved and proposed development. (Attachment 3)
- Status of fire protection in the area. (Noted in agenda sheet, p. 2)
- Provide more details regarding the “art wall” along the I-270 and Shady Grove Road frontages. (Attachment 4)
- Begin a dialog with King Farm Associates to insure that the two projects will be fully integrated along the common boundary. (Attachment 4)
- Address the viability of the retail area. Is it visible enough, and is parking going to be in close proximity? (Attachment 4)
- Provide dimensions of the various building facades, especially along the public roads. (Attachment 4)
- Provide sample cross-sections of the roadways and pedestrian areas along the public roads and within the project. (To be provided by applicant the week of 1/3/05)

Smart Growth Alliance

Exhibit # 1Subject: POP2004-00007

BEFORE THE CITY OF ROCKVILLE
MAYOR AND CITY COUNCIL
December 6, 2004

Public Hearing Date: 12/6/04

Re: Upper Rock District

Mayor Glamm and the City Council:

My name is John Bailey and I am the Director of the Smart Growth Alliance. The Alliance is a partnership of environmental, civic, business and development organizations committed to smart growth in the Washington Region. The Alliance partners are the Chesapeake Bay Foundation, the Coalition for Smarter Growth, the Greater Washington Board of Trade, the Metropolitan Washington Builders' Council and the Urban Land Institute's Washington District Council.

The mission of the Smart Growth Alliance is to research, identify and encourage land use development and transportation policies and practices that support smart growth in the Washington metropolitan area. We are a regional organization with a regional focus.

The members of the Alliance include environmental and development organizations, some of whom have disagreed on these issues in the past. However, we are jointly committed to improving the quality of life in the Washington region. For us, smart growth is about ensuring that neighborhoods, towns, and regions accommodate growth in a way that supports economic vitality, environmental protection and community livability. It is not a single growth strategy, but a context for making sound decisions as the region considers how best to accommodate future growth.

The Alliance's Smart Growth Project Recognition Program utilizes a detailed set of criteria to evaluate project proposals for consistency with our smart growth principles. The recognition program's criteria are attached.

The Program's independent jury met on October 6, 2004 and recognized the Upper Rock project as a Smart Growth Project Proposal.

☐ City Attorney
☐ Council Support Specialist
☒ Other B. Spalding
J. Washington

☒ Council
☐ City Clerk
☐ City Manager

SGA PARTNERS

Urban Land Institute
Washington

Chesapeake Bay
Foundation

Greater Washington
Board of Trade

Coalition for
Smarter Growth

Metropolitan Washington
Builders' Council

②

After careful review, the jury concluded that this proposal incorporates infill development and pedestrian-oriented design in an area appropriate for growth with development densities consistent with smart growth principles. The jury believes that this site will be better served with a mixed-use "village," as opposed to a traditional office park setting. Below is a brief description of how this proposal met the jury's five criteria:

Location

The proposed location is an area that is planned for growth, and infrastructure exists there already. To the extent possible, the development will connect with the neighboring King Farm development.

Density, Design and Diversity of Uses

The compactness of this proposal mimics the new urbanist form of King Farm and nearby Kentlands. The new urbanist design principles used in the site design should make for the creation of a genuinely walkable neighborhood, in what would have been a auto-dependent office park. The mix of uses will increase walkability, provide neighborhood-serving retail opportunities, and help with traffic many activities can be achieved through walking.

Transportation

The proposal will submit a transportation demand management program as part of its entitlement process. The proposal is also within 1.5 miles of the Shady Grove Metro and a 5-10 minute walk of the proposed Capital Corridors light rail station. The Metro should be accessed easily by either its own shuttle or sharing the King Farm shuttle.

Environment

Impressively, the developer will work towards a LEED silver certification. Other "green" amenities are included as well, including green roofs and a tree conservation plan.

Community Assets

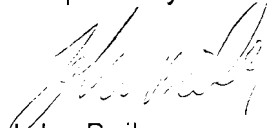
The jury also strongly supports community input, and recognizes the week-long charrette process sponsored by the JBG Companies.

Infill projects such as these are often the most difficult to build, and yet we would suggest that they are also the most critical to the economic and environmental health for the Washington region. Hopefully this entitlement process will prove that quality design and a commitment to work with the

neighborhood can go a long way to achieving a better product.

Thank you for your consideration of the Smart Growth Alliance's comments.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John Bailey".

John Bailey
Director, Smart Growth Alliance

WASHINGTON SMART GROWTH ALLIANCE

SMART GROWTH RECOGNITION PROGRAM CRITERIA

Introduction

The Smart Growth Alliance is a collaborative partnership of the Urban Land Institute - Washington, the Coalition for Smarter Growth, the Greater Washington Board of Trade, the Chesapeake Bay Foundation, and the Metropolitan Washington Builders' Council. Its mission is to research, identify, and encourage land use development and transportation policies and practices that support smart growth. To facilitate this mission, the Alliance has developed a project recognition program.

This program recognizes specific development proposals that exemplify smart growth characteristics. To be considered for recognition, a proposed project will be carefully evaluated against a series of *comprehensive* standards established by the Alliance. Applications for program recognition are analyzed by a select review committee composed of regionally diverse representatives from a broad base of backgrounds and interests.

Carrying this recognition indicates that the project helps the Washington region accommodate growth in a manner that achieves economic, environmental, and quality-of-life objectives. By recognizing the value of proposed projects, the recognition program encourages developers, citizen groups, and elected officials to strive for smart growth. While there are other good development projects in the region, it is the intent of this program to highlight only those that are on the cutting edge of smart growth.

The following are the project criteria that are specific to the project's design. A set of questions tailored to each criterion will help the project sponsor determine whether each criterion has been met.

Base Criteria (Prequalifying Standards):

At a minimum, a proposed project must meet *all* of these five criteria:

Location: The project must be in an area designated and appropriate for growth or revitalization, most particularly for infill development or sites adjacent or close to developed residential or commercial areas. It should take advantage of existing or short-term planned public water and sewer service, and should be accessible to public transportation.

Density, Design, and Diversity of Uses: The three Ds of good, smart growth development must be present, either within the proposed project or in the vicinity. That is, a project or an area must have sufficient density and scale to support a mix of uses, walkability, and public transit. The project should be designed so that it is integrated into the existing community fabric.

Transportation/Mobility/Accessibility: The project should be designed, located, and programmed to offer alternatives to single occupancy vehicle trips, by

Criteria

Following are the criteria that all selected projects must meet. Each criterion is accompanied by several questions. While not all projects must address all of the questions, a preponderance of positive answers will be required to win recognition.

1. **Location.** The project should be developed in an area where growth is desirable.



- ☐ Is the project in an area designated for growth, intensification, or revitalization by the local jurisdiction?
- ☐ Is the project a redevelopment or renovation on a site with previous disturbance?
- ☐ Is the site within or to be annexed to a city or town, or is it within a designated town center or village area, or will it effectively connect to a neighborhood, community, or town center?
- ☐ Is the development within a current or planned public sewer and water service area, and when will it be serviced by public sewer and water?

The density guidelines are based on **typical** net densities for each development type, shown in the table. Pending the work with the pilot projects, these densities will **guide** the review committee's evaluation.

Density Guidelines

Location	Residential Component	Employment Component
Within 0.5 mile from fixed-rail station	Multifamily Exceeds 25 dwelling unit per acre	Between 1.5 and 3 FAR or higher Highest densities concentrated at rail station
Farther than 0.5 mile from fixed-rail station	Single-family detached units: 5 single-family, detached units per acre if the project consists only of single-family homes; 7 single-family detached units per acre for a development with mixed housing types. 15 single-family, attached homes per acre 25 multifamily, attached units per acre	Exceed a 1 FAR
Suburban areas	Exceeds 7 dwelling units per acre	Some exceed 0.5 FAR
Rural/village/small town area	4 dwelling units per acre	No density target

2c. Diversity. Although mixed-use projects are preferred, at a minimum, the project should add to the mix of uses in its surrounding area.



- ☐ Will the proposed land uses help to balance the jobs, housing, and services mix of the surrounding community?
- ☐ If the project is located within a half-mile of a fixed-rail transit system or an area of a single land use type, will the proposed development balance the jobs, housing, and services mix with the uses already there?
- ☐ If the project is located farther than a half-mile from a fixed-rail transit system or near an area of a single land use type, will the project offer an effective internal mix of residential and commercial uses?
- ☐ Will the project promote vertical integration of land uses, for example, housing above stores, or is there more than one use type in a single building?

3. **Transportation, Mobility, Accessibility.** The project should offer alternatives designed to reduce dependency on single-occupancy vehicle use.



- ☐ Is the project designed and located within a half-mile of other land uses and transportation options to encourage residents and workers to walk or bike to school, parks, shops, and services and to use public transit?
- ☐ Is there safe and direct pedestrian and bicycle access through well-marked crosswalks on site and links to external areas?
- ☐ Does the pedestrian/bicycle design include landscaped, lighted trails that are independent of the street or highway edge and that go to adjoining communities and neighborhoods, and to other trail systems?
- ☐ Will the project design support and encourage internal circulation and local pedestrian use (i.e., provide sidewalks between residences and other land uses, streetscaping, and traffic calming) and bike travel?
- ☐ Are the project's internal transportation connections linked (e.g., do they connect paths, sidewalks, or transit routes with each other?), and will its design and location enable the creation, extension, or improvement of additional public or private transit in the community?
- ☐ If congestion is a problem, will the project contribute to/participate in transportation demand management and/or provide incentives for transit use?
- ☐ Will the project minimize street widths and off-street parking by using good design, shared parking concepts, and transportation management techniques?

4. **Environment.** The project should be sensitive to existing environmental features and protect natural resources where feasible. Where possible, sustainable design features should be incorporated into the project's design.



- ☐ Will the project sensitively protect, or contribute to the protection of, wetlands, forests, agricultural lands, and aquifer recharge areas and sustain areas of unfragmented ecosystems?
- ☐ Will the project protect existing stream and river buffers or create new buffers?
- ☐ Will the project avoid disturbing steep slopes (more than 15 percent) and highly erodible or unstable soils?
- ☐ Will the project incorporate natural or engineered solutions to prevent (or reduce existing) nonpoint source pollution within a single, small watershed?
- ☐ Does the project reduce stormwater runoff by providing for on-site water retention, infiltration or staged release? Does the project incorporate a green roof? Does the project re-use gray water? Does the project contribute to off-site stormwater retrofits or other stormwater reduction solutions?
- ☐ Will the project protect or restore a variety of on-site habitat, particularly for threatened or endangered species?
- ☐ Will the project's open-space areas be connected to protect green infrastructure?
- ☐ Will the project, by its location and design, help reduce air pollution?
- ☐ Does the project systematically protect existing trees?

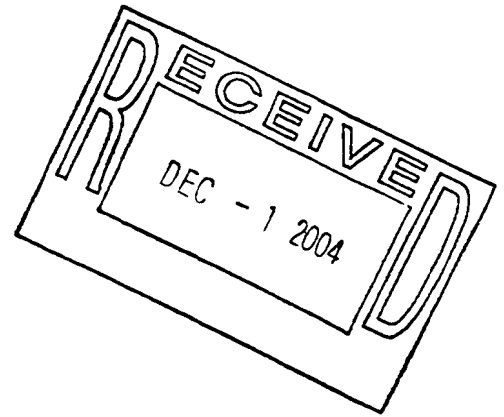
5. **Community Assets.** The project should benefit and enhance the existing community.



5a. Benefits. *A range of benefits should be considered.*

- ☐ Will the project fulfill the goals of an approved community revitalization or development plan?
- ☐ Will the project offer the community a significant quality-of-life benefit such as a park, a school site, a civic structure or use?
- ☐ Will the project offer a significant benefit to the arts community by creating exhibition space, theaters, studios, or other features?
- ☐ Will the project offer the community a significant economic benefit such as jobs, tax base, cultural arts, etc.?
- ☐ Will the project help support or benefit existing schools?
- ☐ Will the project connect its open space internally, and will it link its open space to external or community open-space resources?
- ☐ Will the project retain, restore, and incorporate existing historic structures and sites?
- ☐ Will the project work to retain or relocate any displaced business and residents?

SMART GROWTH ALLIANCE



November 22, 2004

Mr. Matthew Hurson
The JGB Companies
4445 Willard Avenue
Chevy Chase, MD 20815-3610

RE: Upper Rock – Smart Growth Recognition

Dear Mr. Hurson:

We are pleased to inform you that the Smart Growth Alliance's Project Recognition Jury has recognized Upper Rock as a Smart Growth Project Proposal.

The Smart Growth Alliance (the "SGA") is a joint effort of the Greater Washington Board of Trade, the Chesapeake Bay Foundation, the Metropolitan Washington Builders' Council, the Coalition for Smarter Growth, and the Urban Land Institute Washington. The SGA's mission is to research, identify and encourage land use, development and transportation policies and practices that protect environmental assets and enhance our region's quality of life. The Alliance's Recognition Program distinguishes specific development proposals that exemplify smart growth characteristics.

The Recognition Program uses criteria including project location, mobility and accessibility, density, design, diversity of uses, affordable housing, the environment, community assets, and public participation to evaluate project proposals. The Alliance's Recognition Jury meets quarterly to review project proposals and to select those best meeting the criteria.

SGA PARTNERS

Urban Land Institute
Washington

Chesapeake Bay
Foundation

Greater Washington
Board of Trade

Coalition for
Smarter Growth

Metropolitan Washington
Builders' Council

The jury met on October 6, 2004 to review a number of projects including Upper Rock. The review included a careful analysis of each project based on specific information submitted with the application and independent research and review by staff for SGA. Applying all of the SGA criteria (see copy enclosed), the jury agreed to recognize your project as a Smart Growth Project Proposal. The jury believes your proposal for a mixed-use neighborhood "village" is a far better use for the site than the current single-use by-right zoning. The new urbanist design principles used in the site design should make for the creation of a genuinely walkable neighborhood. The jury also strongly supports community input, and recognizes the week-long charrette process sponsored by the JBG Companies. As you move forward the jury encourages you to improve pedestrian and bicycle access to the King Farm neighborhood and the Shady Grove Metro station. Additionally, in keeping with the "green" theme of the project, the incorporation of green roof technology would be beneficial.

The jury recognizes a project proposal based on the project's design as of the time of the jury's review and based on the information available to the jury at the time of review. The jury reserves the right to modify or revoke its recognition if the project changes so significantly that it no longer meets one or more of the SGA criteria. For projects at an early development approval

11/24/2004 Page Two

stage, we encourage work by the developer and the public authorities to fully utilize the Smart Growth Recognition Program criteria as such design details are finalized.

We consider this letter confidential, and will not share it with anyone without your approval. You may, however, use this letter as you choose. If we can provide more support, such as by submitting comments to any of the public reviewing bodies, we would be glad to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Black".

Sam Black, Chairman
Smart Growth Recognition Program Jury

Enclosure

Gaithersburg High School PTSA, Inc.
314 S. Frederick Avenue
Gaithersburg, Maryland 20877

November 30, 2004

Mayor and Council
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Upper Rock District Proposal

Dear Mayor and Council Members:

I am writing to express support for the development of the proposed Upper Rock District project. As President of the Gaithersburg High School PTSA ("GHS PTSA"), I was approached several months ago by the JBG Companies to explain their proposal and to learn from the PTSA the challenges faced by the school. We were able to arrange a subsequent meeting with Dr. Gary Miller, Principal of Gaithersburg High School, and conduct a thorough discussion of the status, plans and needs for both facilities and programs.

The primary challenge faced by the entire Gaithersburg High School community is the need for a permanent addition to the school to relieve overcrowding. There are currently twelve (12) portable classrooms at the school. MCPS has included in its FY2006 capital budget the funds necessary to construct a sixteen (16) room addition to the school which will substantially eliminate the use of portables at the school.

JBG offered to work with MCPS and the GHS PTSA to accelerate the construction of the addition at the school through the provisions of the County School Impact Tax. If the addition remains on schedule for FY2006, this will not be necessary. We look forward to working with JBG as a school business partner to support other school equipment or program needs.

There are a number of key reasons the GHS PTSA is able to support this proposal:

- The recently adopted School Impact Tax imposed on new development, including the Upper Rock District project, is a critical source of funds for school construction. It is estimated the project will generate over two million dollars of funding for school construction. In order to keep projects like the Gaithersburg High School addition on track during times when State and County budgets are limited, Impact Tax dollars must be generated from new developments.

Gaithersburg High School PTSA, Inc.

To: Mayor and Council, City of Rockville

Page: 2

- Projects like Upper Rock are proving to add few students to our schools. In a school with a population of over 2,000 students, the revenue generated from the Impact Taxes far outweighs the financial impact of the 10-14 new students projected to come from the Upper Rock development. If used wisely and creatively, the Impact Taxes generated by the Upper Rock District project for school capacity issues will benefit all of the students at Gaithersburg High School.

While concrete solutions to problems like overcrowding are critical, it is clear that the JBG Companies intends to be a long-term, proactive partner with the PTSA and MCPS in devising and supporting efforts to make our schools successful. We recommend that you approve the Upper Rock District development.

If you have any questions regarding my recommendation, please do not hesitate to contact me at my office (301-977-8400) or on my cell phone (301-437-5653).

Sincerely,



Linda K. Dutka
President

UPPER ROCK TRAFFIC SUMMARY

	A.M. Peak	P.M. Peak
Existing & Approved Development		
SAMHSA	397	363
App. Phase III 117,000 s.f.	191	188
5 Choke Cherry Bldg. 73,700 s.f.	117	126
Total Trips from Existing & Approved Development	705	677
PDP – New Trips		
750 m.f. d.u.	303	354
94 Senior MPDU	8	10
Restaurant – 9,000 s.f.	7	67
Spec. Retail – 14,500 s.f.	10	39
Total New Trips	328	470
		188
Existing/Approved Trips to be Subtracted		
5 Choke Cherry Off. (Converted to m.f. d.u.)	117	126
*Phase III office (117,000 s.f.)	191	188
PDP New Trips minus Subtracted Ex. Trips = Net New Trips	$328 - 117 - 191 = 20$	$470 - 126 - 188 = 156$
Total Site Trip Generation		
SAMSHA	397	363
New Trips from PDP	20	156
Total Trips	417	519

Note: The applicant's traffic analysis did not include the trips from the approved Phase III office buildings of 117,000 square feet in their background analysis. This was the most conservative approach. Staff notes that since this office space has an approved Use Permit, it could be included in the site generated trips to be subtracted. If not subtracted, the net new trips equals 191 in the a.m. peak and 188 in the p.m. peak.

Applicant's Response

The Applicant has provided the following information in response to the questions posed by the Mayor and Council at the public hearing:

Green Space

In response to the request for additional information regarding the quantity and nature of the Green Space provided in the Upper Rock District Proposal, we have attached to this memo an exhibit with a plan and area summary noting the location of the two principal types of Green Space in the proposal:

Feature/Program Space. This includes larger contiguous spaces in which will be located areas for active recreation and performance spaces. Feature/Program Space comprises approximately 66% of the total Green Space. The required Green Space is 40% of total site area.

Pedestrian Circulation Space. This includes spaces throughout the community which are reserved for pedestrian circulation, including passive relaxation spaces. Pedestrian Circulation Space comprises approximately 34% of the total Green Space requirement.

The above notes spaces were categorized as featuring either predominately *green/soft landscaped areas* (about 59% of total Green space), or predominately *hard-scaped plazas and walkways* (about 41%).

Landscaped Wall

In response to the request for additional information regarding the landscaped wall (formerly known as the "art wall"), we offer the following:

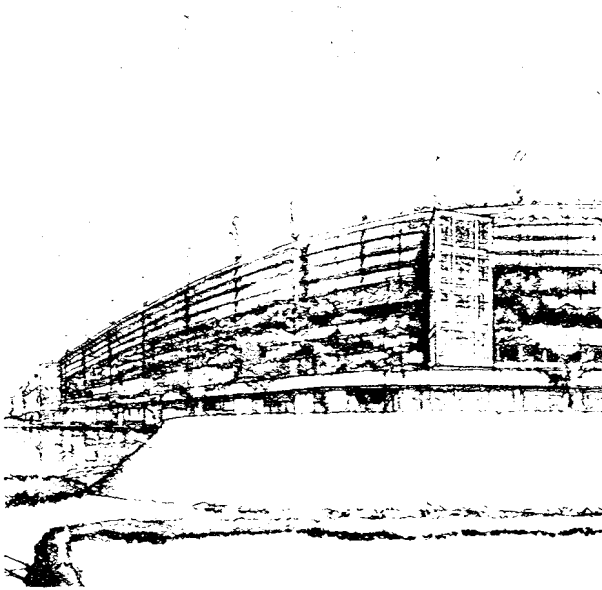
The planner (DPZ Architects) offered concept planning during the charrette process. Among the key elements identified by the planner:

1. Serves to both screen parking structures and act as a large sculptural element visible from I-270 and Shady Grove Roads.
2. Extends from King Farm property line to the surface parking lot serving 5 Choke Cherry Road. Approximately 50 feet tall.
3. An 'armature' of steel or some other material on which you can "sling" environmental stuff.

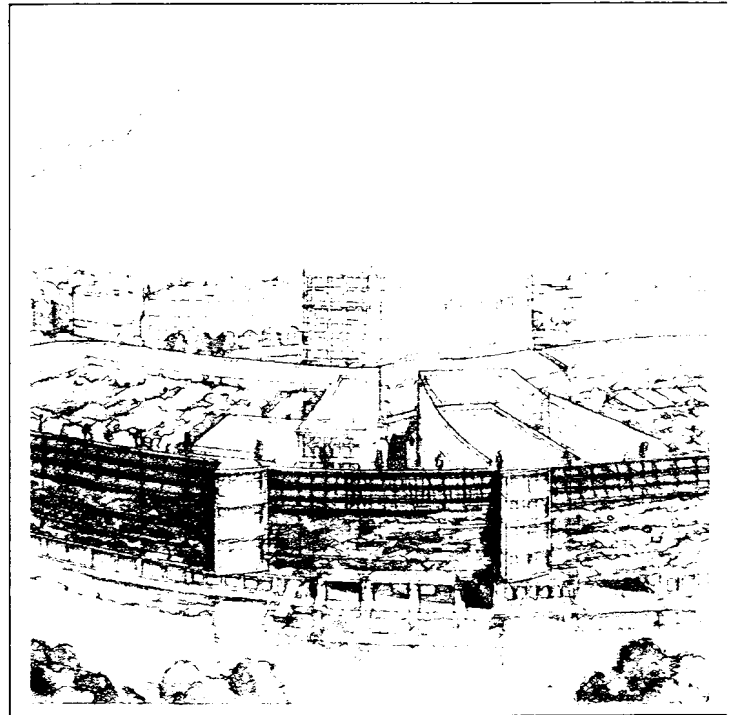
4. Sometimes, there's a void so you can see through it. It's slightly transparent. But, it's also not all entirely blank because every once in a while, at the end, a building comes forward and an inhabited space pops through.

Images from the Charrette depicting the Landscaped Art Wall are shown below.

Details of the design of the wall, including the construction materials, art content, maintenance, etc. will be addressed at the Use Permit stage.



View of Landscaped Art Wall from I-270 ramp



Bird's Eye View from the intersection of Choke Cherry and Shady Grove Roads

King Farm

See attached letter of December 21, 2004.

Retail Viability

In response to the request for additional information regarding the viability of the retail space proposed in the Upper Rock District Proposal, we have prepared the following to summarize certain objectives of the retail space.

The characteristics of the retail space in the Upper Rock District Proposal include the following:

1. The retail uses that will be proposed in the market place are small scale, specialty retail with no national chains and no high volume, carriage-trade businesses. Prospective tenants for the market place will include independent crafts makers and dealers, artists and art dealers, rare book and music dealers, etc. Such operators are generally considered 'specialty retail' and operate successfully in destination locations not suitable for higher volume retailers.
2. The retail space is modest in size and is intended to work with and complement the Live/Work units that are co-located with the retail market place. The Live/Work units line Choke Cherry Road at the entrance to the community and provide a low-scale commercial setting for the market place businesses.
3. Weekend and holiday sales events promoted in Upper Rock and King Farm will encourage community support of the unique retailers. Generous sidewalk and flexible travel lanes will provide an appropriate location for 'side walk' sales and other marketing events.

The objective of the Upper Rock District's retail incubator is to provide a vibrant but lower scale commercial core to the community and a unique destination amenity to the citizens of King Farm. The retail space is not intended to compete with the retail space located on Shady Grove Road or the commercial operations in King Farm.

Parking for the specialty retail is provided with on-street parking directly in front of the market place building and in structured parking accessed from the immediate vicinity of the retail market place. The ground-level parking within the garages has proven successful in other developments especially when plentiful directional signage is employed at the retail areas.

Building Facades

The following is provided in response to the request for additional information on façade dimensions principally for buildings facing public roads. Blocks containing buildings facing public roads are as follows:

Blocks G and H face the I-270 ramp and will be substantially screened by the Landscaped Art Wall. The planner (DPZ Architects) has provided that facades of buildings within these blocks penetrate the Art Wall with such penetrations being approximately 45 to 60 feet.

Block B includes the existing building at 5 Choke Cherry Road which has a total façade length of approximately 260 feet. The principal façade plane is approximately 220 feet. This Upper Rock District proposal includes converting this building to residential use and constructing an addition that will reduce the façade to 200 feet.

Block C includes a building with frontage on Choke Cherry Road. The building façade is curved and is lined with live/work units at the ground level making an assessment of façade length somewhat subjective. The length of the block fronting Choke Cherry Road is approximately 160 feet. The building to be constructed on Block C is expected to be articulated such that the façade appears to be comprised of smaller, individual architectural components that will have the affect of lightening the façade.

Block E includes two structures with frontage on Choke Cherry Road.

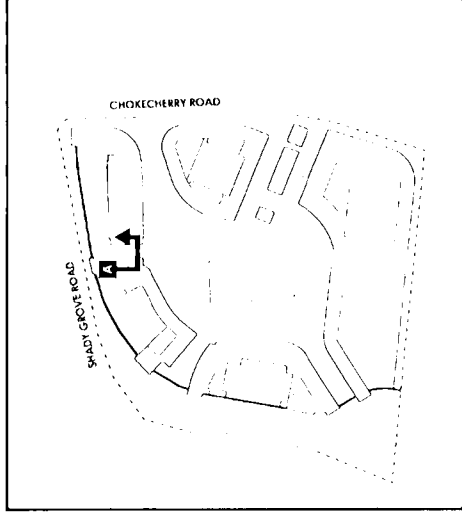
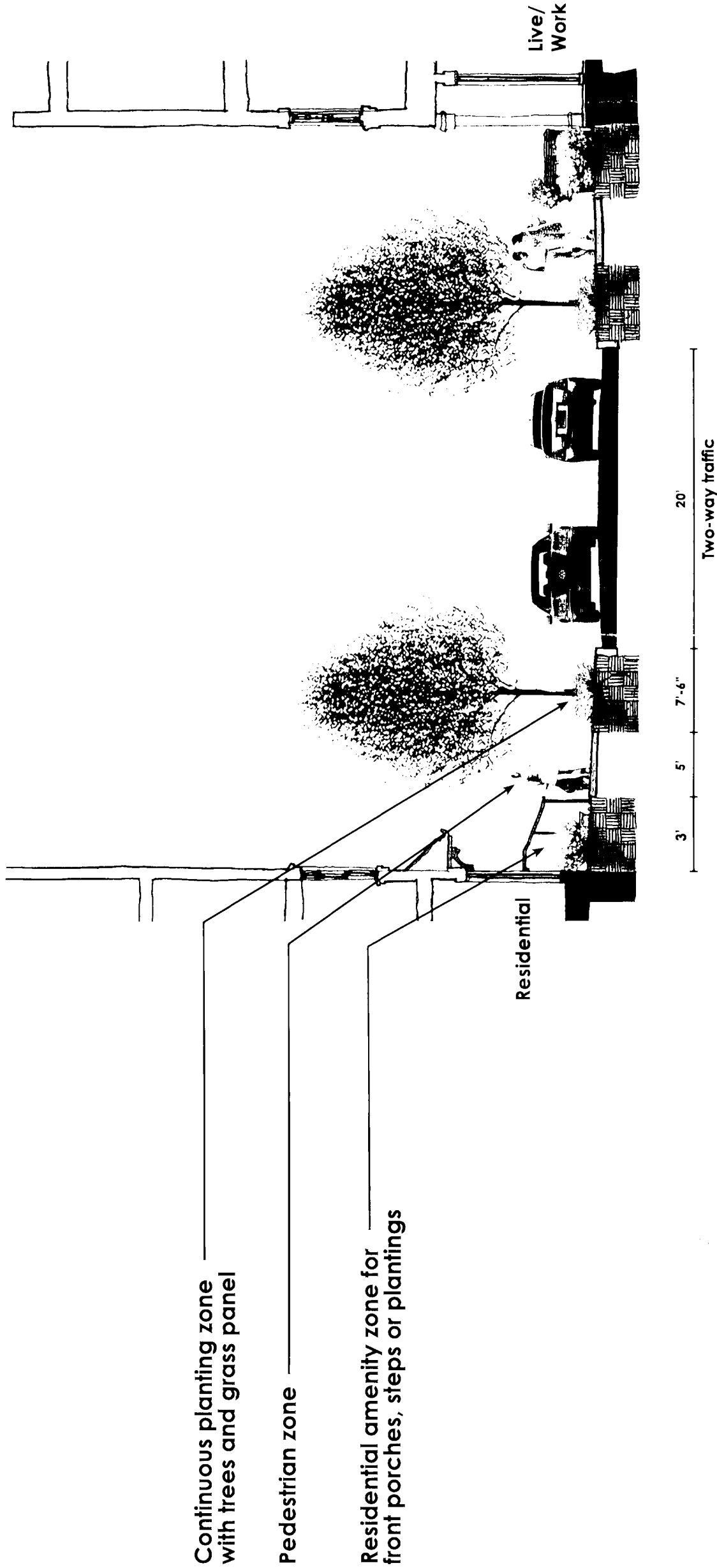
- Building E1 with a façade of approximately 140 feet on Choke Cherry Road and
- Building E2, a taller building with a façade of approximately 60 feet in Choke Cherry Road

As designs of all buildings are developed, refined and reviewed at Use Permit Stage, care will be exercised to reduce long, unbroken façades and encourage interesting, dynamic designs.

Roadway Sections

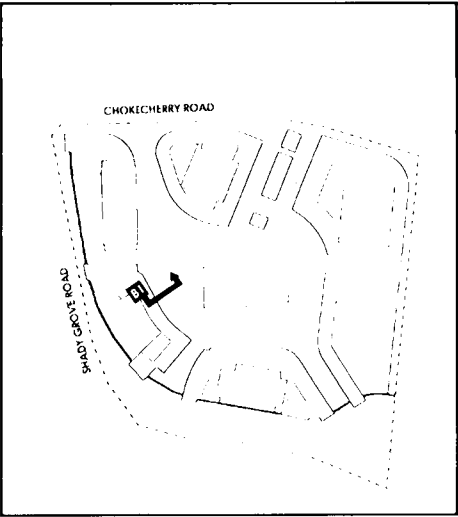
StreetWorks has prepared sample section diagrams, which are attached.

Section A

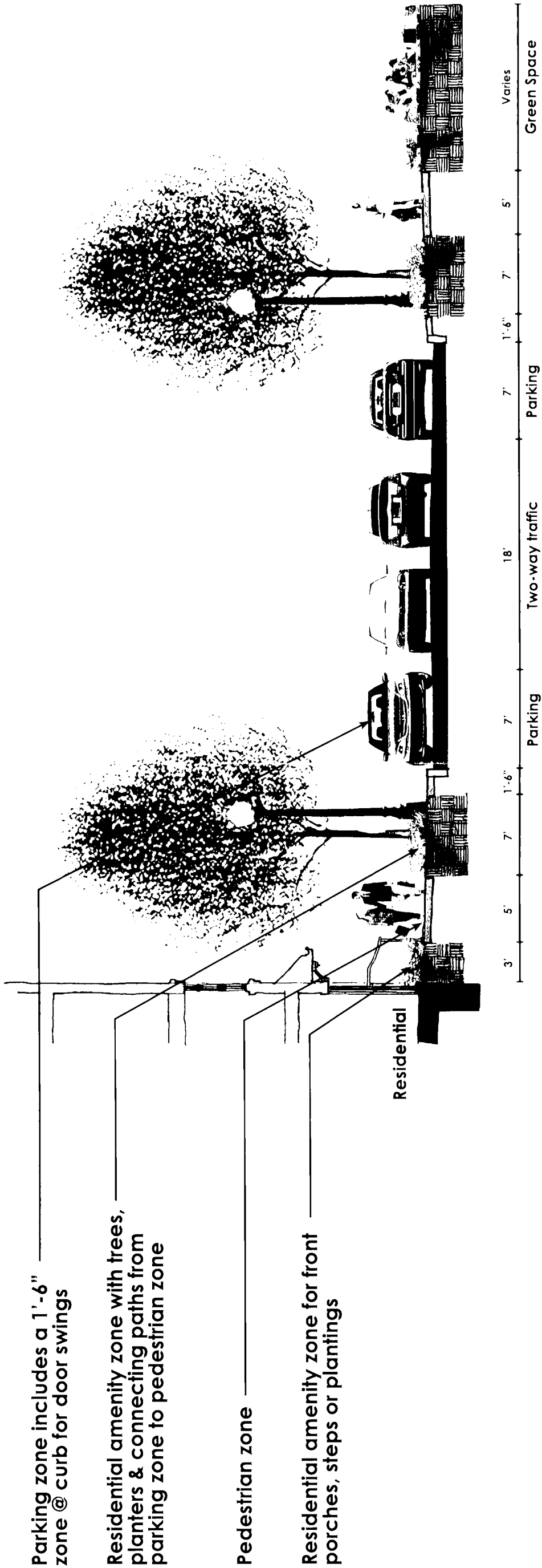


Key Plan

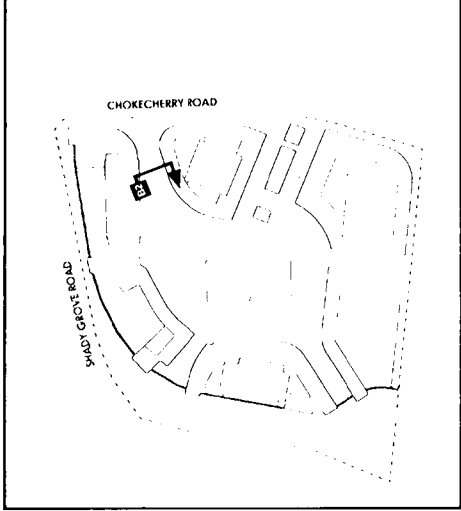
Section B1



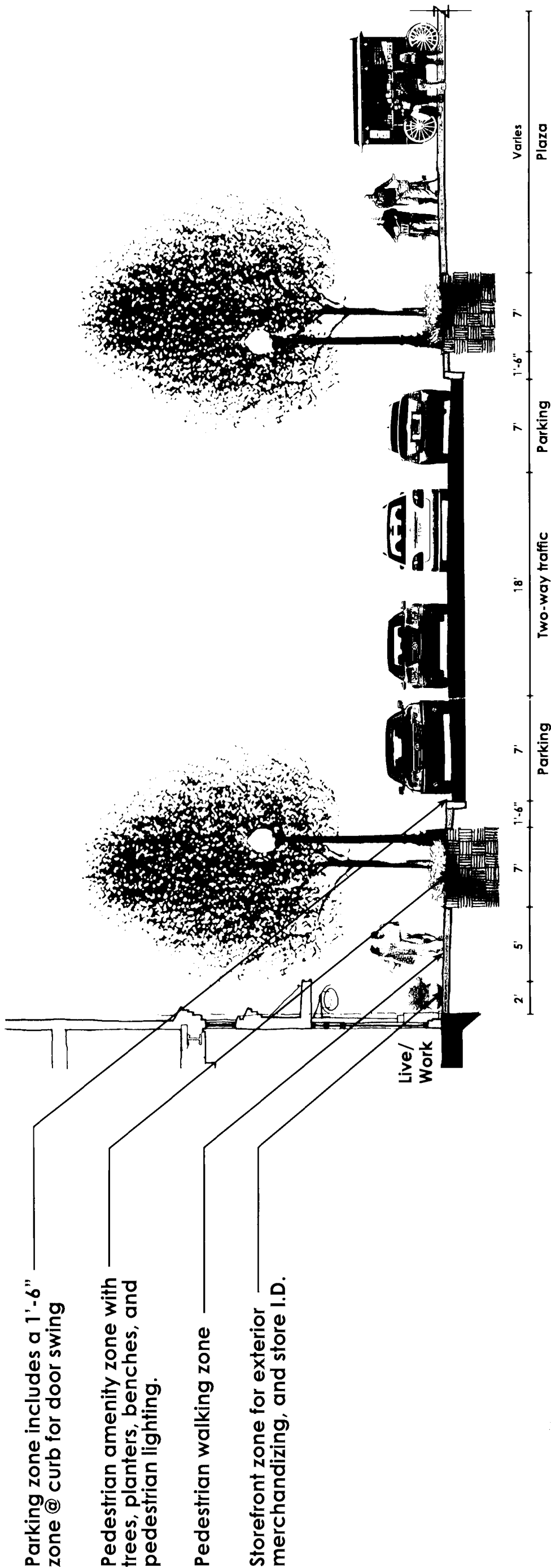
Key Plan



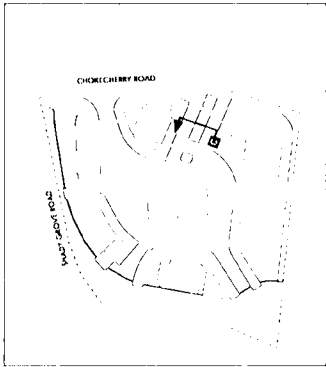
Section B2



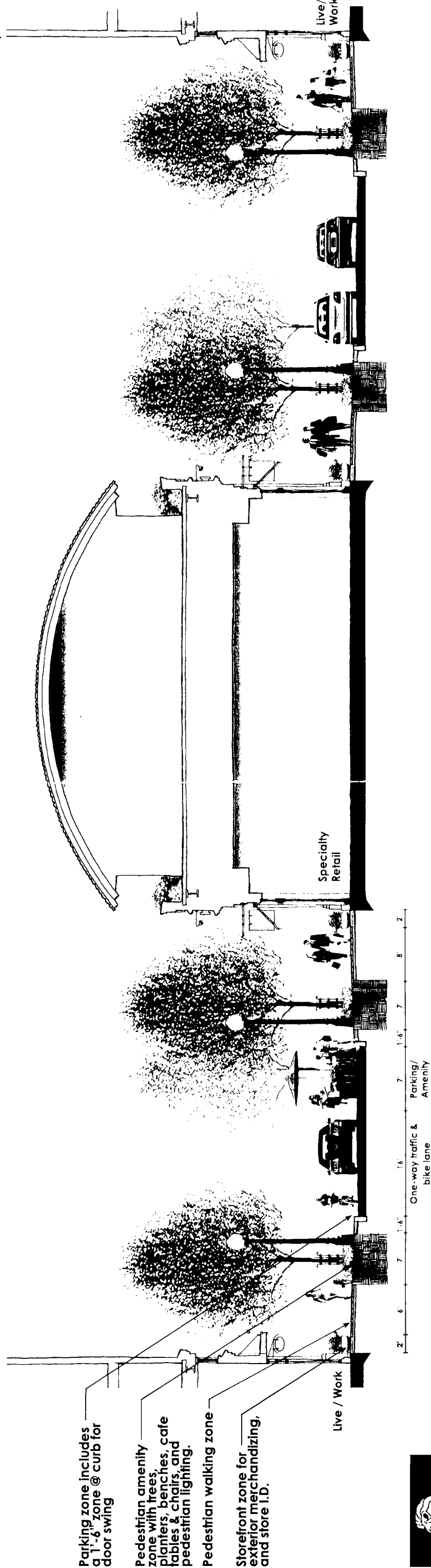
Key Plan



Section C



Key Plan



Parking zone includes a 1'-6" zone @ curb for door swing

Pedestrian amenity zone with trees, planters, benches, cafe tables & chairs, and pedestrian lighting.

Pedestrian walking zone

Storefront zone for exterior merchandizing, and store I.D.

Live / Work

Specialty Retail

Live / Work

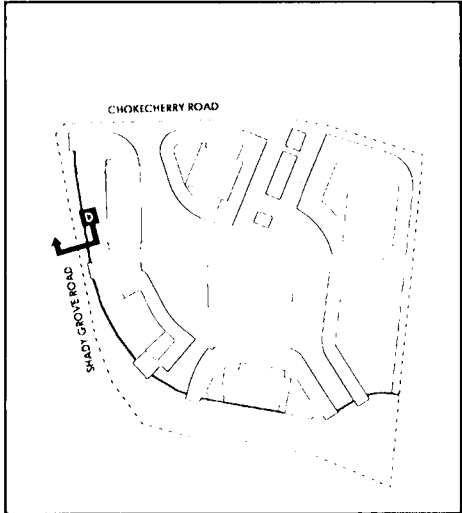


Street-Works LLC
Development and Consulting Group

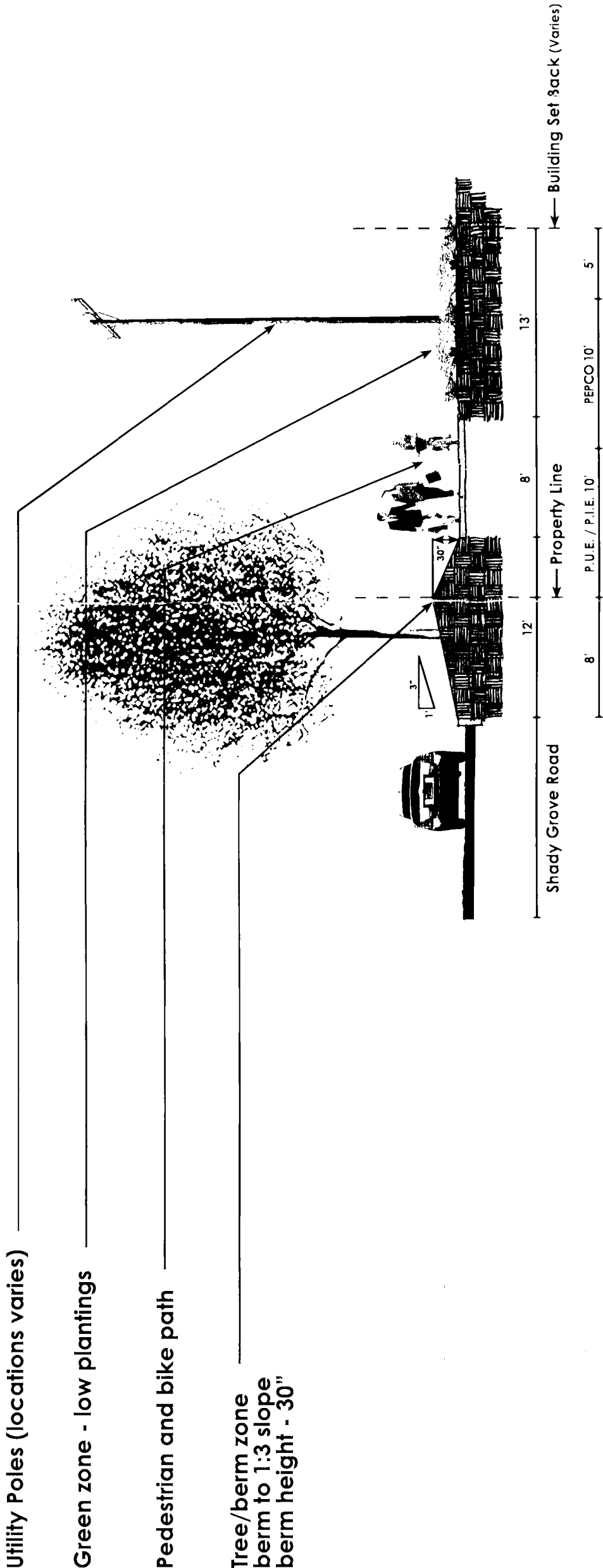
h2

24

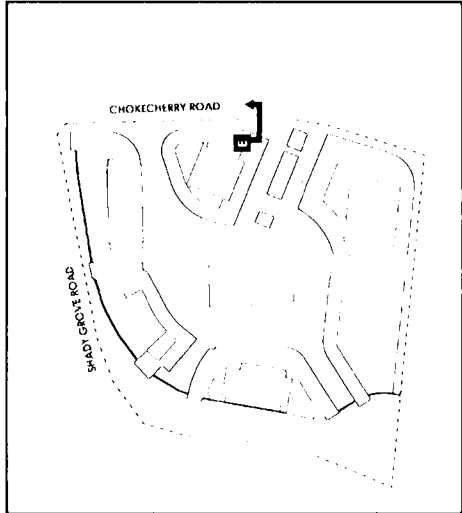
Section D



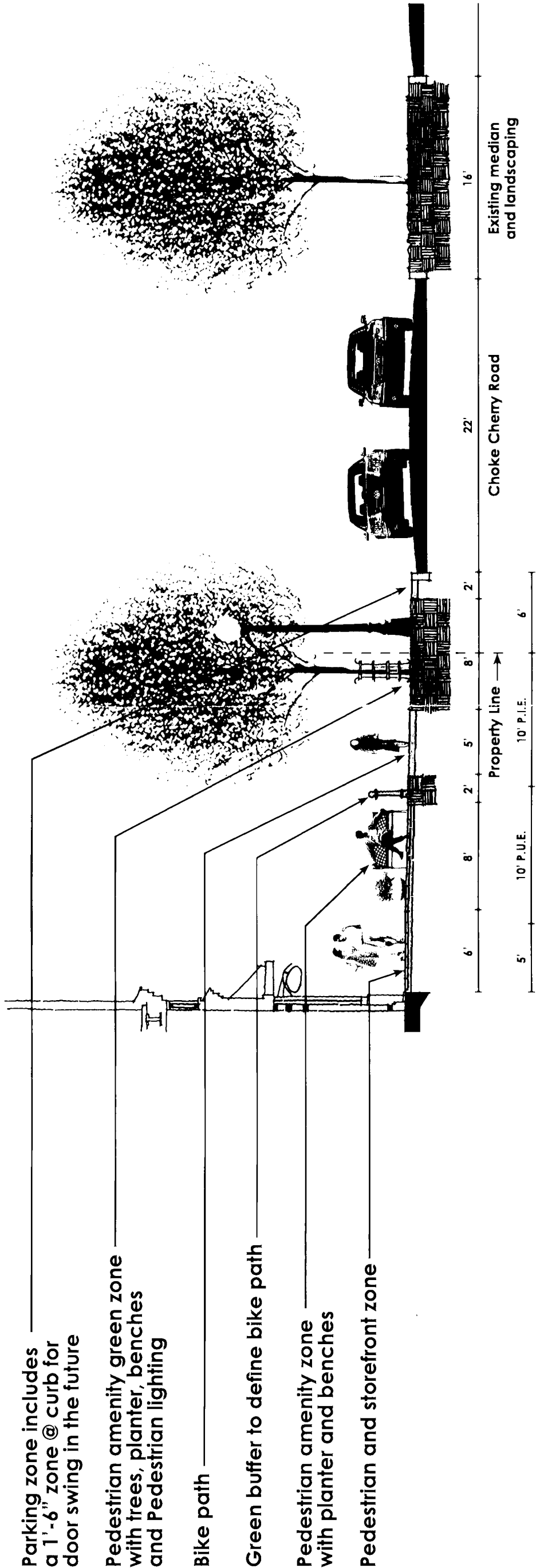
Key Plan



Section E



Key Plan



THE JBG COMPANIES

December 21, 2004

Deane Mellander
City of Rockville Planning
111 Maryland Avenue
Rockville, Maryland 20850

Re: Upper Rock PDP 2004-0007


Dear Deane:

As requested by the Mayor and Council at the Upper Rock Public Hearing on December 6, 2004, JBG has begun a dialogue with King Farm Associates to work towards integrating the two projects along their common boundary.

I met with Mark Gregg of Penrose Group on December 16, 2004. We reviewed the schematic plans for each property and the manner in which the properties relate. JBG will continue to communicate and interface with Penrose as our plans become more fully developed.

We will keep the staff updated as the dialogue develops.

Sincerely,



J. T. Jervey
Managing Director

cc. Mark Gregg
Nancy Reglin
Matt Hurson



City of Rockville

MEMORANDUM

December 2, 2004

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Recommendation on Preliminary Development Plan application PDP2004-00007 - Upper Rock District; JBG, Applicants

At its meeting of December 1, 2004 the Planning Commission reviewed the above referenced Preliminary Development Plan (PDP) application. The proposal is to construct a mixed-use project under the optional method of the I-3 Zone at the intersection of Shady Grove Road and Choke Cherry Road.

The Planning Staff Report recommended approval of the PDP with conditions. The Planning Commission received comments from the staff, the applicant, and members of the public. The applicant indicated that they concurred with all of the conditions of approval recommended by the staff. Several citizens spoke to the application. All of them supported the proposed project. William Meyer raised concerns about addressing noise issues for residences that would face onto I-270.

Two members of the City's Traffic and Transportation Commission also spoke. John Ober would like to see that when the Corridor Cities Transitway is designed that it include pedestrian and bicycle access across I-270. Richard Resnick asked that the conditions be expanded to include provisions for lining up the crosswalks and bus shelters along Shady Grove Road at the Choke Cherry Road intersection. In addition, he recommended that the traffic mitigation measures proposed by the applicant be accelerated so that they become available during the early phases of the project rather than at the end.

The Planning Commission strongly supports the proposed PDP application. All of the Commissioners commended the applicant for the extensive public outreach program prior to the filing of the application. Commissioner Ostell is concerned that the density proposed is higher than it should be, given the amount of traffic and parking that the project will generate. In recommending approval of the application, the Commission does recommend modifications to some of the proposed conditions. Condition 4 should be modified to include the applicant's proposal to add a left turn lane from eastbound King Farm Boulevard to northbound Frederick

Page 2
December 2, 2004

Road (Rt. 355) as a mitigation measure. Condition 9 should be expanded to cover the necessary alignment of bus shelter locations and crosswalks at the Shady Grove Road/Choke Cherry Road intersection, in coordination with the Montgomery County Department of Public Works and Transportation. Condition 16 should be modified to change the word "should" to "shall", so as to read "Building designs shall incorporate green building and LEED energy efficient standards". The Commission also recommends that the proposed traffic mitigation measures be instituted with the beginning of project construction, rather than at the end. With these recommended modifications, the Planning Commission, on motion of Commissioner Holtz, seconded by Commissioner Ostell, voted to recommend approval of the proposed PDP by a vote of 7 to 0.

/dem

cc: Planning Commission



**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

November 23, 2004

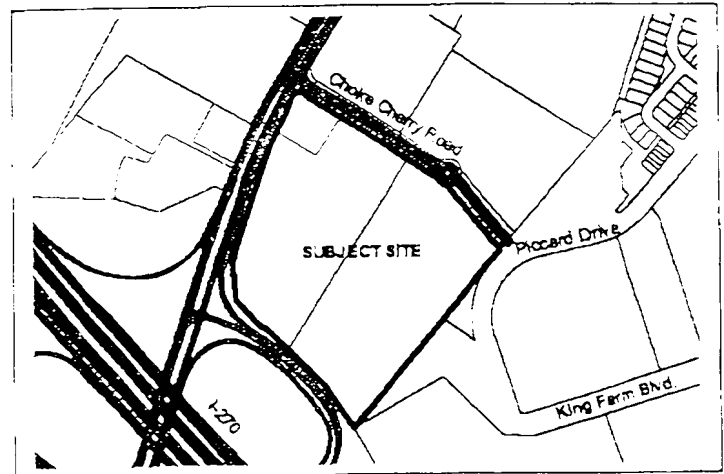
SUBJECT: Preliminary Development Plan
Application PDP2004-00007 –
1 – 11 Choke Cherry Road
Upper Rock District

Applicant: The JBG Companies

Owner: JBG/Shady Grove Land LLC
JBG/M Market Square I LLC
JBG/5 Choke Cherry LLC
4445 Willard Avenue
Chevy Chase, MD

Date Filed: September 13, 2004

Location: Choke Cherry Road and Shady Grove Road



REQUEST:

- The applicant requests approval of a Preliminary Development Plan to redevelop the property at the southeast corner of Choke Cherry Road and Shady Grove Road, consisting of 19.8 acres in the I-3 Zone. The application requests approval under the optional method of development for 844 multi-family, live-work, and age-restricted residential units, 238,086 square feet of office, 14,500 square feet of incubator retail/office, and 9,000 square feet of restaurant space.

PREVIOUS RELATED ACTIONS:

A 9-story, 238,086 square foot office building was approved and constructed under Use Permit USE2003-00655. Two additional office buildings were approved under Use Permit USE2003-00658, totaling 117,000 square feet. These have not been constructed.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- Compatibility with the Citywide Master Plan recommendations.
- The relationship to other adjoining uses around the site.
- Traffic impact, access, on-site circulation and parking needs.
- Impact on public schools and other public facilities.

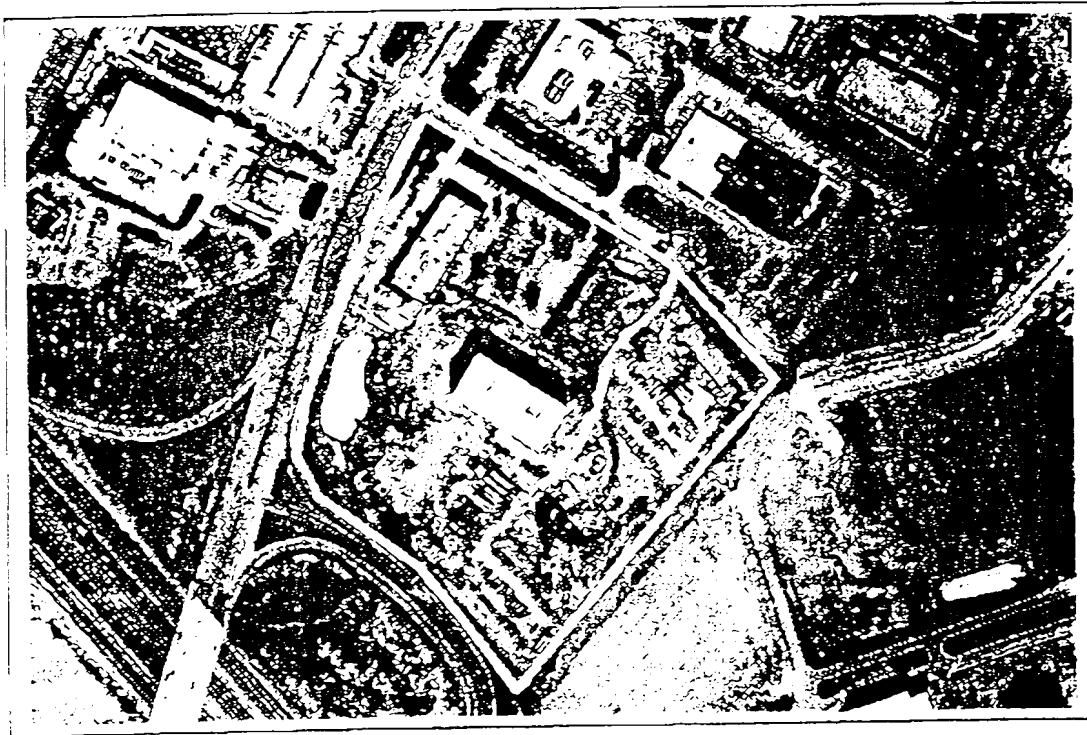
ANALYSIS

Background

The subject property is at the northern edge of the City. The site is a part of the Danac Technological Park, that was developed under the I-3 Zone in the 1960's and early 1970's. Originally, the Kodak processing laboratory occupied the rear portion of the site. A 3-story, 73,700 square foot office building was built at 5 Choke Cherry Road. This building is proposed to be retained, but converted to residential use under the PDP application.

Property Description

The property is approximately rectangular in shape. It is bounded by Shady Grove Road on the west, Choke Cherry Road on the north, Piccard Drive and the King Farm on the east, and the Shady Grove Road interchange of I-270 on the south. The site consists of 19.81565 acres, divided into four ownership lots: 9A, 9B, 9C, and 9D. These ownership lots were predicated on the approved use permits for three new office buildings and the retention of the building at 5 Choke Cherry Road. If the PDP is approved, the ownership lots will likely be replatted.



Aerial View of Subject Site

As a condition of approval of the use permits, the applicant was required to extend Choke Cherry Road east from the cul-de-sac to connect with Piccard Drive. This work is nearing completion. The connection will be opened when the King Farm completes construction of housing along

Piccard Drive near Gaither Road. The Mayor and Council have approved portions of the bulb of the cul-de-sac for abandonment, subject to meeting the conditions of approval of the use permits previously approved for this site.

Under Use Permit USE2003-00655, the applicants have constructed a 9-story office building that has been leased by GSA for use by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). This building has recently been completed and occupied.

Proposal

The Preliminary Development Plan (PDP) has been filed under the optional method in the I-3 Zone. The optional method allows for a greater range of uses, reduced parking requirements, and more flexible development standards than are available under the standard zoning provisions. The PDP must be approved by the Mayor and Council. The subsequent use permit(s) must be approved by the Planning Commission and be in conformance with the provisions of the approved PDP.

The application proposes to retain the new 9-story SAMSHA office building leased by GSA, totaling 238,086 square feet. The application also proposes to retain the existing 73,700 square foot 3-story office building at 5 Choke Cherry Road. However, this building is proposed to be converted to 100 loft-type "live/work" units. In addition, the proposal calls for constructing four other multi-family residential buildings with associated parking. Finally, the application proposes 14,500 square feet of retail/office, divided approximately equally between the two uses. There will also be 9,000 square feet of restaurant space.

The following chart summarizes the proposed development:

Use	Description	Dwelling Units	Square Footage
Office	General office		245,337
Multi-family	Apartments	524	
"Live/work" units	Loft-type units to include Live-in work space	126	
Retail	Specialty retail		7,250
Restaurant			9,000
Senior housing	MPDU Senior housing	94	
Total		844	261,587

The "live-work" units will be distributed throughout the project. Most of the loft units will be in the converted office space of the existing building at 5 Choke Cherry Road.

Interrelationship between the Preliminary Development Plan (PDP), Illustrative Plan and the Use Permits

The PDP sets the overall levels of development at a concept plan level. The PDP is implemented by a subsequent Use Permit that serves as the detailed site plan and the

point at which compliance with the development standards (setbacks, height, parking requirements) and the design guidelines are evaluated. There are two separate plans associated with the PDP - a concept plan and an illustrative plan.

The concept plan or bubble diagram identifies the total amount of development (by type), building heights, and the number of parking spaces. This is the plan that will be acted on by the Mayor and Council. The concept plan sets the overall development density envelope. Minor reallocations of densities may be allowed during the approval of Use Permits, so long as the overall density envelope is not exceeded.

The second plan is an illustrative plan that shows proposed details that will be fully evaluated as part of the subsequent use permits. The illustrative plan is an exhibit in the PDP approval, but the actual layouts are not approved as part of the PDP. It has been extremely helpful to have the illustrative plan to show the intent of the development, establish access points, and to provide a sense of the scale and design of the proposed buildings. As a result, staff has identified a number of detailed issues that will need to be resolved prior to the approval of use permits. These issues are listed beginning on page 10. The illustrative plan is shown on Attachment 1 for reference.

Section 25-683(a) also provides that approval of the PDP constitutes approval of a Preliminary Subdivision Plan. In this case, the property has already been recorded as Lot 9 as part of the previous use permit activities. Attachment 4 shows the current record lot with ownership lots.

Development Standards – Optional Method

This project is proceeding under the optional method of development in the I-3 zone. Under this procedure, the Mayor and Council may grant a greater variety of land uses and flexibility in setback requirements where development complies with more extensive standards of urban design review and traffic impact review and mitigation. In addition, there is more flexibility in development process, and an allowance for reductions in the parking requirements. In this case the applicant is pursuing the optional method to expand the range of uses and flexibility in setback requirements.

The optional method sets forth the following set of requirements, which are accompanied by the staff's findings for each:

1. The site must satisfy one of the following requirements:
 - a. The property is a minimum of forty (40) acres; and
 - i. A portion of the property is adjacent and contiguous to a Comprehensive Planned Development; and
 - ii. A portion of the property is located adjacent to an interstate highway; and
 - iii. A portion of the property is within fifteen hundred (1,500) feet of a planned or programmed transit station; or
 - b. The property is a minimum of ten (10) acres; and



- i. A portion of the property is located immediately adjacent and contiguous to a Comprehensive Planned Development; and
- ii. The property provides for a future transit right-of-way, transit center, transit station or other public transit oriented component acceptable to the Mayor and Council; and
- iii. A portion of the property is located adjacent to an interstate highway; and
- iv. A portion of the property is within fifteen hundred (1,500) feet of a planned or programmed transit station.

The application conforms with subsection b above. It exceeds 10 acres in size, provides for a future transit right-of-way, is adjacent to I-270, and is within 1,500 feet of a planned transit station along the Corridor Cities Transitway on the King Farm property.

2. The applicant must submit a traffic study in conformance with the Comprehensive Transportation Review.

A traffic study has been submitted and reviewed. The traffic report is covered separately in this staff report.

3. A draft declaration to be executed by all property owners which sets forth the rights, responsibilities, and duties of each property owner with respect to the amenities, open space, private infrastructure, dedications and any other obligations required under the Preliminary Development Plan for multiple building projects. The draft declaration shall include a proposed phasing schedule, which corresponds to each stage of development with the implementation of the rights, responsibilities and duties set forth in the Preliminary Development Plan application. The draft phasing schedule shall include, to the extent relevant, information regarding the provision of the following items: lighting, paving, open space, landscaping, stormwater management, pedestrian connections, parking, transit stop, roadway dedications and extensions, and any other obligations required under the Preliminary Development Plan. The declaration shall be finalized in the form approved by the Mayor and Council with all relevant conditions of approval incorporated therein. The finalized declaration shall be executed by all property owners, with a copy forwarded to the Mayor and Council, and recorded among the land records of Montgomery County prior to the issuance of the first Use Permit for development within the Preliminary Development Plan area;

A draft declaration has been submitted with the application materials.

4. A circulation plan indicating the public pedestrian ways linking all elements of the development with neighboring properties and any planned or programmed transit way station;

A circulation plan has been submitted as part of the application materials.

5. A Natural Resources Inventory/Forest Stand Delineation as required by the City's Environmental Guidelines.

A Natural Resources Inventory/Forest Stand Delineation application was previously approved for this site as part of the processing of Use Permit USE2003-00658. The NRI/FSD will need to be updated to reflect the changes proposed in the application.

Required Findings

Optional method approval requires the same findings as a preliminary plan of subdivision. The required findings are listed below with a brief statement regarding the finding. Detail information supporting the findings is contained in the relevant sections of the staff report.

In reviewing Preliminary Development Plans, the Mayor and Council must make the following findings:

- (1) That the proposed development will not affect adversely the health or safety of persons who will reside or work in the neighborhood of the proposed development; and
 - (2) That the proposed development will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and
 - (3) That the proposed development will not be inconsistent with the intent or purpose of this division or article; and
 - (4) That the proposed development will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; and
 - (5) That the proposed development complies with the development standards and requirements set forth in this division; and
 - (6) That the proposed development complies with any applicable development staging and adequate public facilities requirements; and
 - (7) That the proposed development promotes the City's environmental objectives as set forth in the Environmental Guidelines.
-
1. The staff finds that the proposed development complies with the standards and requirements of the optional method and the I-3 Zone for height, setbacks, and green area. The provision of live/work units and on-site retail and restaurant space will tend to reduce off-site traffic generation. The application also proposes to utilize "green" construction methods, which will save on energy consumption. Staff therefore finds that the application will not have an adverse impact on the health and safety of residents or workers in the neighborhood.
 2. The proposed development conforms to the optional method provisions for land uses and densities. The approved development includes two unbuilt office buildings totaling 117,000 square feet. The traffic assigned to those approved buildings is subsumed into the traffic generation for the proposed development. The access points to the site are consistent with existing points of access. The completion of the extension of Choke

Cherry Road under conditions of approval of the use permit for the GSA office building means that there will be better traffic distribution for the project, without all of the traffic having to go through the Choke Cherry-Shady Grove Road intersection. There is sufficient public water and sewer service available (via WSSC) to serve the site. Other sites adjoining the property are developed, or approved for development, with commercial office uses. Staff concludes that the proposed development will not be detrimental to the public welfare or injurious to property or improvements adjacent to the proposed development.

3. The optional method in the I-3 Zone was adopted for the purpose of expanding the types of uses and character of development that could be allowed in the zone. The application complies with the standards and requirements of the optional method, and is therefore consistent with the purposes and intent of the code.
4. Based on findings detailed elsewhere in this report, the staff finds that the proposed application will not overburden public facilities needed to serve the proposed development.
5. The application complies with the standards and requirements for the optional method in the I-3 Zone.
6. The applicant has submitted a traffic report, which indicates that, with mitigation, the new trips generated by the proposed development can be accommodated. In addition, the Applicant has agreed to construct additional capacity and bikeway improvements, beyond that which is required by the CTR to mitigate their impact, which will improve the overall transportation network in the region. The application also indicates that the project will be constructed in phases, as follows:
 - (1) Construct 5 new residential buildings and the service retail.
 - (2) Convert the building at 5 Choke Cherry Road from office to residential lofts, and construct an addition to 5 Choke Cherry Road for additional lofts and restaurant space.
7. The applicant proposes to achieve at least a LEED Certified rating for the new buildings. This, combined with the open space, storm water management, and forest conservation requirements, is consistent with the City's Environmental Guidelines.

Parking

Parking reductions may be requested by the applicant under the optional method. However, the applicant is proposing to meet the minimum parking requirements for each use proposed. A total of 2,116 spaces are required, and that is number proposed. Final parking tabulations will be made at that time. The applicant has suggested that the live/work units will require only two spaces per unit. Documentation of this will be required at the time of Use Permit consideration and will have to be reviewed by the Traffic and Transportation Division prior to Planning Commission action.

Moderately Priced Dwelling Units

The applicant is proposing 750 market-rate housing units. The Code requires that 12.5% of the units be moderately-priced, or 94 MPDU's. The applicant has offered that these units be made available as age restricted (age 55 and above) active senior housing. If the units are not all taken

by seniors, then the remaining units would be offered to other qualified persons or households on the City's or County's waiting lists.

Schools

Using the current student generation rates provided by Montgomery County Public Schools, the project would generate the following numbers of students. The generation rates used in the staff's calculations are the official rates provided by MCPS for high-rise multi-family residential development. The numbers cited by the applicant are based on samples of similar types of development in the County, but are not yet established as official rates. The MCPS and M-NCPPC staffs are still working on updating the school generation rates, which were last revised in 1996.

	<u>844 units</u>
Elementary School:	57 students
Middle School:	19 students
High School:	14 students

For planning purposes, we assume that this project will not be fully occupied until the 2007-2008 school year. The adopted MCPS CIP provides the following for that horizon school year:

Rosemont Elementary School:	Program Capacity – 611; Enrollment – 514
Forest Oak Middle School:	Program Capacity – 942; Enrollment – 905
Gaithersburg High School:	Program Capacity – 2,126; Enrollment – 2,246

With the proposed development, the elementary and middle schools will remain within program capacity. As indicated by the applicant in their discussions with Montgomery County Public Schools, the generation rates for this type of development may in fact be overstated. An added 13 high school students represents only 0.6% of projected enrollment at Gaithersburg High School. Staff does not recommend deferral or denial of the proposed development solely on school capacity grounds.

Environmental Review

Public Sewer

Sewer service is already provided at the site by WSSC to serve the existing development. There will be a net increase in sewer usage with the change to a predominantly residential development. This development is located within the Muddy Branch sewershed. The sewer lines servicing the site connect to the existing Muddy Branch sewer. There is currently a transmission capacity constraint in the Muddy Branch sewer main passing under I-270. The applicant will need to demonstrate that the transmission capacity issue will be remedied prior to the issuance of building permits. This issue will be further addressed at the time of Use Permit review. Wastewater treatment will be provided at the Blue Plains Wastewater Treatment Plant in the District of Columbia.

Public Water

The Washington Suburban Sanitary Commission currently provides water service to the site to serve the existing development.

WSSC has adequate facilities to provide service demand volume and street level water pressure as recommended by the American Water Works Association (AWWA). High-rise buildings may require secondary water supply for fire protection of the upper floors. This will be determined as part of the building permit review process.

Stormwater Management (SWM)

The Department of Public Works has approved the SWM concept plan on November 23, 2004. The applicant shall utilize the most recent design and sizing requirements according to the City's SWM regulations and the Maryland Department of the Environment (MDE) guidelines as contained in the latest version of the Maryland Storm water Design Manual. Storm water management for quantity control will be provided by a storage vault located under Garage H (Block H). Storm water management for quality control will be provided by underground structural filtering practices and underground recharge chambers located throughout the site in either open areas or beneath a parking garage.

Flood Plain

No flood plains exist within the limits of the proposed development.

Green Area

The application proposes to meet the minimum 40% green area requirement of the I-3 Zone. The staff recommends that sufficient active recreation areas be provided to serve the expect population on the site. This may include contributions for provision of additional open space and recreation facilities in the surrounding neighborhood, such as the King Farm Park and the King Farm Farmstead Park, to supplement the on-site recreation facilities.

Sustainable Design

The applicant is proposing to explore a range of sustainable design strategies for the project. These may include the following:

- Green Roofs
- Daylighting in design
- Utilize environmentally sensitive materials
- Natural systems approaches to stormwater management
- Energy efficiency and LEED Green Building Rating System



The final details of these options will be reviewed during the use permit review process.

Public Art

The applicant will be required to provide publicly-accessible art in accordance with the provisions of Chapter 4 of the City Code. The amount required is \$264,688. The location and character of the art will be determined during the use permit review process.

Transportation

The Transportation Division has reviewed the Comprehensive Transportation Review submitted by the applicant, which took into account the needs of motorists, pedestrians, bicyclists, and transit users. City staff's recommendations, which serve to mitigate potential transportation impacts, of the proposed PDP, are included in the staff recommendation on attachment 6. These include improvements at the intersections of Shady Grove Road with Choke Cherry Road, and Gaither Road. In addition the applicant will install 3 traffic-calming devices along Redland Boulevard and other pedestrian safety improvements.

Future Transportation Conditions

The following conditions of approval will be incorporated into subsequent USE permits associated with this application:

1. Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$13,000.00 for the implementation of two bus shelters to be located nearby to the subject site or at locations in the vicinity of the site. This contribution will be incorporated into the Bus Stop Beautification CIP project.
2. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.
3. A Transportation Demand Management (TDM) agreement must be executed between the application and the City of Rockville prior to the issuance of building permits. This agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed new building and \$60 per market rate dwelling unit per year for a period of ten (10) years. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville. The funds will be used for the purpose of TDM and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated into the TDM capital improvements program funds of the City. No occupancy

permit will be issued until the required roadway improvements are completed and the initial TDM annual installment is made.

4. Applicant shall provide bicycle lockers or bike storage room for residential uses and bike racks for retail uses at locations approved by the Department of Public Works. The number of bicycle storage facilities will be determined with staff and the applicant through the Use Permit process.
5. The applicant shall contribute \$125,000 into the City's Transportation Improvements CIP Fund, prior to the issuance of final building permits, towards the future installation of a traffic signal at the intersection of Choke Cherry and Piccard Drive if the signal meets warrants according to MUTCD and City of Rockville standards. If the signal is not warranted, the monies shall go towards additional traffic improvements in the immediate vicinity.
6. Provide truck turning exhibits and demonstrate that the Block A dumpster access can be accommodated.

Public Notice

The applicant conducted a series of public charrettes in the summer of 2004 to obtain input into the design principals that were to be incorporated in the final plan submittal.

Post card notice of the proposed PDP application and Planning Commission meeting date were sent to all adjoining and confronting property owners surrounding the project. In addition, post cards were sent to all civic associations in the neighborhoods surrounding the project.

STAFF RECOMMENDATION

Approval is recommended, subject to the following conditions:

1. Use Permits submitted to implement the PDP must be consistent with the approved PDP plan. Minor reallocations of floor area or uses may be allowed at the Use Permit stage, within the overall development envelope approved in the PDP.
2. Applicant shall submit letter from MD SHA to confirm location of future Corridor Cities Transitway right-of-way and applicant must reserve this right-of-way for future public use. No permanent improvements may be made in this right-of-way.
3. Applicant shall dedicate right-of-way and/or provide a Public Improvement Easement along Shady Grove Road to accommodate an eight-foot shared bike/pedestrian path, and an eight-foot buffer area and bus shelter(s) and right turn lane improvements per DPW and County standards prior to the issuance of first occupancy permits.
4. Obtain permits from Montgomery County and construct, the following off-site road improvement projects. The timing of these improvements will be determined through the Use Permit process:



- a. An eight-foot bike path and eight-foot tree buffer on Shady Grove Road along the frontage of the site per DPW and County requirements.
 - b. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.
 - c. A right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.
 - d. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.
 - e. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
 - f. A right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.
5. Submit street cross sections for review and approval.
6. Streets and sidewalks that function like a public street must be designed, constructed and permitted according to the Department of Public Works standards. Design waivers may be required to accommodate possible reduced building setback. These streets and sidewalks must be covered by an agreement or declaration that requires public access to be maintained at all times. The agreement must also stipulate that the street be maintained according to the Department of Public Works standards.
7. The Applicant shall implement a five-foot bike lane on Piccard Drive between Redland and Millennium Trail connection at Gude to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail.
8. The Applicant shall install three traffic-calming devices in the Redland corridor between Piccard Drive and Pleasant Road in the adjacent King Farm community. The devices will be coordinated with the King Farm community, approved by staff and finalized at the Use Permit stage.
9. The Applicant shall upgrade the pedestrian infrastructure at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither including crosswalk markings and countdown signals per DPW and County requirements.
10. The Applicant should coordinate and cooperate with the City, County and State as the Corridor Cities Transitway project proceeds to ensure that adequate pedestrian and bicycle facilities are provided in conjunction with the CCT project.
11. Safe pedestrian access and adequate parking must be provided during all phases of construction. Sidewalks must be a minimum of 15 feet wide. Final sidewalk designs will be determined during the use permit review process.
12. Payment of the County's Development Impact Tax, as applicable prior to the issuance of building permits.

13. Comply with all conditions detailed in the SWM concept approval letter dated November 23, 2004.
14. Provide on-site recreation and parks facilities such as passive and active open space. Active open space should include amenities such as tennis courts, tot lot playground for ages 2-12 years, walking paths, garden plots, etc. Consult with the Recreation and Parks Department during the Use Permit phase for design standards of facilities. Also, provide fitness facilities within buildings. The development should contribute toward recreation facilities in the surrounding neighborhood such as King Farm 28-acre park and the King Farm Farmstead to supplement on-site facilities.
15. Applicant must address the issue of sewage transmission capacity constraints at the time of Use Permit review. No building permits will be issued until the WSSC certifies that adequate transmission capacity is available.
16. Building designs should incorporate green building and LEED energy efficiency standards.
17. A Forest Conservation Plan (FCP) was previously approved for this site (FTP2000-00008A) and a Forest Conservation Easement (FCE) was established to protect trees on site. The proposed development will result in removal of protected trees. Prior to the approval of the Use Permit a revised Forest Conservation Plan must be approved that addresses additional tree loss, replacement planting requirements and updated afforestation requirements. The existing FCE will need to be abandoned and a new FCE created.
18. All utilities to be underground or within buildings, as directed by the Department of Public Works.
19. Provide public art in accordance with the provisions of Chapter 4 of the Code. Staff calculates the total art provision requirement at \$264,688. This consists of \$202,450 for the 750 market rate residential units, and \$62,238 for 261,587 total square feet of commercial/office space.

DEM/

Attachments:

1. PDP Generalized Land Use Concept Plan
2. Green Area Plan
3. Circulation Plan
4. Current ownership plat
5. Stormwater Management Concept Approval Letter
6. Traffic and Transportation Division Memo

Exhibits:

- A. Statement of Applicant
- B. Illustrative Drawings and Perspectives

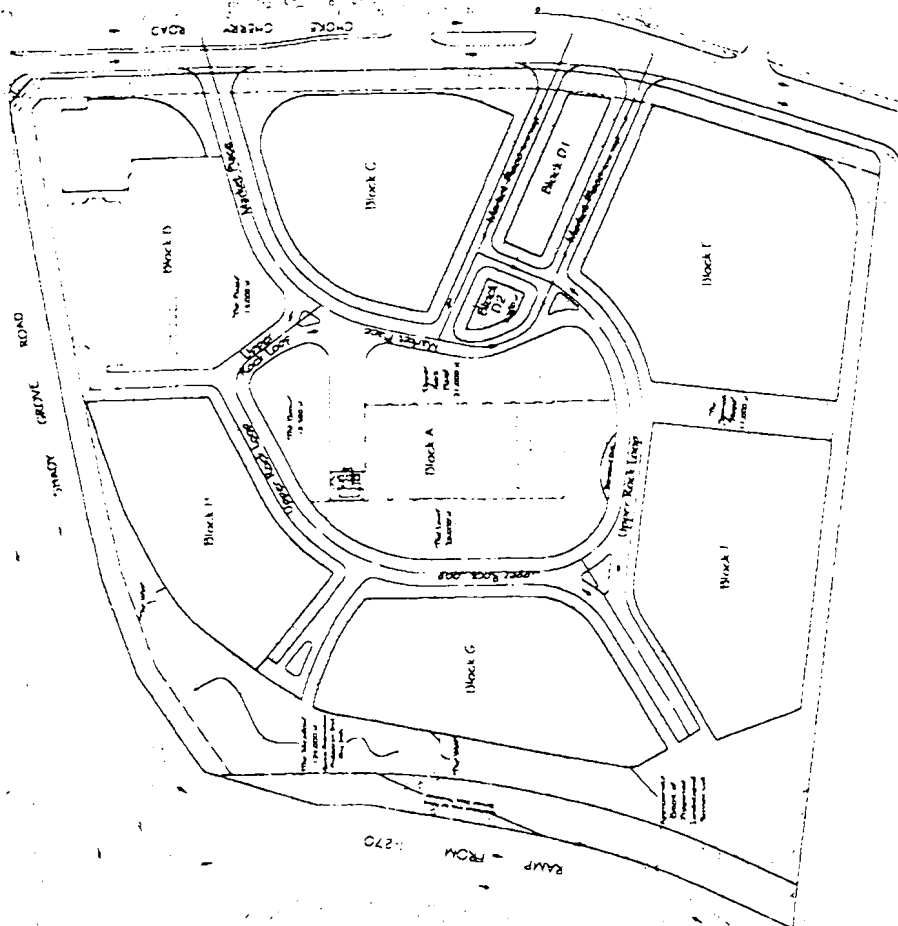


UPPER ROCK DISC

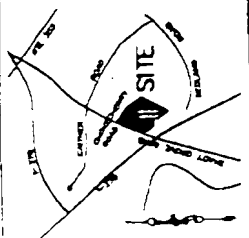
CONFIDENTIAL - EYES ONLY

[illegible]

UPPER ROCK DISTRICT
GREEN AREA PLAN





[illegible]

VICINITY MAP
FOCUS : J - JACOB

IT WOULD BE SO EASY TO

[illegible]

By: John Doe, L.L.C.
A Delaware Limited Liability Company

by . . .

100

14

by: WILLIAM H. HARRIS, JR.

SUMMERHOP'S ORIENTAL

[illegible]

6

AREA 7

[illegible]

С 3713

DEC 21 2001

12000 of the Circuit Court
The Circuit Court, 12000
12000 of the Circuit Court

GRAPHIC SCALE



THE CITY OF ROCKVILLE PLANNING COMMISSION

APPROVED - JAXY9.1002

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DEPT. MANAGER

718X1605712216200

OWNERSHIP PLAY

OWNERSHIP LOTS 9A, 9B, 9C & 9D
DANAC TECHNOLOGICAL PARK

ROCKVILLE (47M) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 100' DATE JUNE 20, 2003

100-443886-1

91981E-64651 NSS 48W



November 23, 2004

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Mr. Matt Hurson
The JBG Companies
4445 Willard Avenue
Chevy Chase, MD 20815

Subject: Upper Rock District Stormwater Management Concept Plan
PDP2004-00007, SMP2005-00010

Public Works
240-314-8500
TTY 240-314-8187
FAX 240-314-8589

Dear Mr. Hurson:

Public Works Operations
240-314-8570
FAX 240-314-8589

Your stormwater management (SWM) concept received on September 15, 2004 and November 19, 2004 for the above referenced site is conditionally approved. The proposed development consists of mixed use of residential, commercial and retail with associated parking on the 19.8-acre site, Lot 9 Danac Technological Park, located in the Muddy Branch watershed.

Motor Vehicle Maintenance
240-314-8485
FAX 240-314-8499

The SWM concept proposes the following measures for the 19.8-acre site with an assumed 14.6 impervious acres (not including the adjacent right of way):

Water Treatment Plant
240-314-8555
FAX 240-314-8564

1. Overbank Flood Protection (Q_{pic}) and Channel Protection Volume (C_{pv}) will be provided for the majority of the site in an underground storage vault located beneath Garage H, in the southwest corner of the site.
2. Water Quality Volume (WQ_v) shall be provided in six separate underground structural filtering systems located throughout the site in open areas or beneath Garage H.
3. Recharge Volume (Re_v) shall be provided in six separate underground pipe systems with perforated bottoms in stone backfill to allow infiltration. The total Recharge Volume (Re_v) is based upon the soil specific recharge factor and has been subtracted from the total Water Quality Volume (WQ_v) since it is being treated upstream and separate from main storage vault.
4. There is 2.6 acres of which 1.43 acres are impervious on the periphery of the site (including 30 feet of the adjacent right of way), which cannot physically drain to the proposed swm facilities. There is no feasible stormwater treatment practice, which can provide quantity or quality treatment for this area. Treatment has been provided via a SWM Alternative in form of monetary contribution through WVR2003-00017 associated with the development of this site under USE2003-000658.

MAYOR
Larry Grammo

This SWM concept is approved subject to the following conditions, which must be addressed at the detailed engineering stage:

COUNCIL
Robert E. Dorsey
John F. Hall, Jr.
Susan R. Hoffmann
Anne M. Robbins

1. Provide safe conveyance of storm flows.
2. Submit a SWM Easement/Maintenance Agreement signed by the property owners for review and approval. Approved SWM Easement/Maintenance Agreement must be recorded in the Montgomery County Land Records prior to DPW permit issuance.

ACTING CITY MANAGER
Catherine Tuck Parrish

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow



Mr. Matt Hurson
The JBG Companies
November 23, 2004
Page 2

3. Submit detailed storm drain and stormwater management plans and computations for approval by DPW. Submit for review and approval the construction estimates, and permit fees associated with the SWM plans.
4. Obtain Montgomery County Right-of-Way permits, if required, for connection to their storm drain system in Shady Grove Road.
5. Post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
6. Submit SMP permit application, permit fees, and SWM Database Sheet associated with the SWM plans for each phase of construction.
7. Provide SWM for each phase of construction. No building permits that allow the creation of impervious area can be issued unless SWM permits have been issued that provide treatment for this area. A SWM concept for specific phases must be submitted for review and approval prior to Use-Permit approval for individual sites within the PDP.
8. All SWM facilities must function under gravity flows. Stormwater shall not be pumped out of SWM facilities.

If you have any questions, please contact John Scabis, Civil Engineer II, of my staff at 240-314-8514.

Sincerely,



Susan T. Straus, P.E.
Chief Engineer/Environment

STS/JS/akm

cc: Jeff Amateau, VIK A, Inc.
20251 Century Blvd., Suite 400
Gaithersburg, Maryland 20874
Deane Melander, Planner III
Mark Wessel, Civil Engineer III
John Scabis, Civil Engineer II-Environment
MCDPS, Rick Brush
Permit Plan
Day File



City of Rockville

MEMORANDUM

November 18, 2004

TO: Deane Mellander, Planner III

FROM: Sandra Marks, Civil Engineer I, Traffic & Transportation Division *SM*

VIA: Larry Marcus, Chief, Traffic & Transportation Division *LM*
Mark Wessel, Civil Engineer III *MW*

SUBJECT: Transportation Staff Report
Upper Rock, PDP2004-0007

This memorandum presents the Traffic and Transportation Division's recommendations on the subject development application, PDP2004-0007. These recommendations incorporate and address comments and concerns expressed by City and County staff, and the Applicant as part of the review process.

SITE ANALYSIS:

The proposed development program consists of 750 multi-family dwelling units (including 126 'live/work' units), 94 age-restricted MPDUs, 9,000 s.f. of restaurant and 14,500 s.f. of retail. The proposed project is bounded by Shady Grove Road on the west, I-270 on the south, Choke Cherry Road on the north and King Farm on the east. All access to the site is off of Choke Cherry Road. The proposed project will convert the existing office building at 5 Choke Cherry into residential units.

Roadway Network Analysis

The focus of the study included the following intersections:

1. Shady Grove Road/I-270 Southbound Ramps
2. Shady Grove Road/I-270 Northbound Ramps

3. Shady Grove Road/ Choke Cherry road
4. Shady Grove Road/Gaither Road
5. Shady Grove Road/I-370 Ramp/Pleasant Road
6. Shady Grove Road/MD 355
7. MD 355/King Farm Boulevard
8. Gaither Road/King Farm Boulevard
9. Gaither Road/Redland Boulevard
10. Redland Boulevard/Piccard Drive
11. Piccard Drive/King Farm Boulevard

These intersections were studied for three different scenarios (1) Existing Year 2004 Traffic Conditions; (2) Background Traffic Conditions; and (3) Total Future Traffic conditions.

The trip generation for the site is outlined below:

	<u>AM</u>	<u>PM</u>
750 DU (including live/work units)	303	354
94 age restricted MPDUs	8	10
Restaurant (9,000 s.f.)	7	67
Retail (14,500 s.f.)	10	39
Subtotal	328	470
 Converted Office (73,700 s.f.)	 117	 126
 Net New Trips	 211	 344

(No credits were applied to any of these trips)

This development is proposed in the Shady Grove corridor, which is a generally congested corridor. The proposed development is primarily residential with a small-scale retail component. The proposed development relies on internal trip capture, and live/work units to absorb some of the traffic congestion. As a result of the proposed project, traffic generated by the Upper Rock development has an impact, as defined by the Comprehensive Transportation Review (CTR) methodology, at two of the eleven intersections analyzed: MD 355/ King Farm Boulevard in the AM peak period and Shady Grove Road/Choke Cherry Road in the PM peak period. The applicant has agreed to the following capacity improvements to mitigate their impact:

1. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.
2. Right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.
3. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.

4. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
5. Construct right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.

In addition to improvements required by the CTR to mitigate their traffic impact, the Applicant has agreed to construct additional capacity and bikeway improvements as well as construct traffic calming devices in the adjacent King Farm neighborhood, beyond that which is required by the CTR, which will improve the overall transportation network in the region

Access and Circulation

A: Passenger Vehicle: There are two access points to the site proposed off of Choke Cherry Road. A network of internal roads and driveway accesses to parking structures will serve the site. Staff will continue to review the roadway network and circulation through the USE permit process.

Heavy Vehicle (Truck & Bus): Staff will be reviewing truck circulation through the site and adequacy of loading areas through the USE permit process.

C: Pedestrian/bicycle access: The applicant has identified pedestrian and bicycle facilities within the .35-mile study area as required by the CTR. There are adequate pedestrian facilities proposed within and adjacent to the site, as well as connections to the adjacent King Farm development. The Applicant will upgrade the pedestrian signals to countdown signals at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither. After the completion of Choke Cherry extended and Piccard, there will be a continuous, safe route for pedestrians and bikes to access the Shady Grove Metro Station from the site.

In order to encourage and accommodate bicycle commuters to the site the Applicant has agreed to implement five-foot bike lanes on Piccard Drive between Redland Road and the Millennium Trail at Gude Drive to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail. The Applicant shall also provide bicycle lockers and racks to accommodate the retail and residential uses on the site, the City will work with the applicant to identify the specific number and location of bicycle storage facilities through the USE permit process.

Staff will continue to work with the Applicant through the USE permit process to ensure that there are adequate pedestrian and bicycle connections to and within the site.

D: Transit access:

The site is served by the Shady Grove Metrorail station as well as a number of buses adjacent to the site. Regional plans include service to the site via the future Corridor Cities Transitway.

November 18, 2004

PDP2004-0007

Page 4 of 6

In order to further encourage the use of transit at the site, the Applicant will be required to contribute \$13,000 for the installation of two (2) bus shelters adjacent to the site and the applicant is proposing a shuttle service to the Shady Grove Metro. In addition, the Applicant will be required to contribute the City's Transportation Demand Management (TDM) program to fund various programs designed to reduce the number and impact of vehicular trips within the Shady Grove area. This contribution will be incorporated into the TDM program funds of the City.

Traffic and Transportation Commission:

Per the recently approved CTR guidelines, this development and mitigation package was presented to the Traffic & Transportation Commission and community representatives for comment and input. Concerns were raised about multi-modal and pedestrian connections as well as cut-through traffic; no specific concerns were raised about any of the proposed mitigation as outlined in the conditions below.

Proposed Conditions:

The following conditions of approval will be incorporated into subsequent USE permits associated with this application:

1. Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$13,000.00 for the implementation of two bus shelters to be located nearby to the subject site or at locations in the vicinity of the site. This contribution will be incorporated into the Bus Stop Beautification CIP.
2. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.
1. A Transportation Demand Management (TDM) agreement must be executed between the application and the City of Rockville prior to the issuance of building permits. This agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed new building and \$60 per market rate dwelling unit per year for a period of ten (10) years. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville. The funds will be used for the purpose of TDM and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated into the TDM capital improvements program funds of the City. No occupancy

permit will be issued until the required roadway improvements are completed and the initial TDM annual installment is made.

3. Applicant shall provide bicycle lockers or bike storage room for residential uses and bike racks for retail uses at locations approved by the Department of Public Works. The number of bicycle storage facilities will be determined with staff and the applicant through the USE permit process.
4. The applicant shall contribute \$125,000 into the City's Transportation Improvements CIP Fund, prior to the issuance of final building permits, towards the future installation of a traffic signal at the intersection of Choke Cherry and Piccard Drive if the signal meets warrants according to MUTCD and City of Rockville standards. If the signal is not warranted, the monies shall go towards additional traffic improvements in the immediate vicinity.
5. Provide truck turning exhibits and demonstrate that the Block A dumpster access can be accommodated.

CONDITIONS OF APPROVAL:

Based on our review, which took into account the needs of motorists, bicyclists, pedestrians and transit users, and in order to mitigate the potential transportation impacts, City Staff recommends the following conditions of approval for the subject development application, PDP2004-00007:

1. Applicant shall submit letter from MD SHA to confirm location of future Corridor Cities Transitway right-of-way and applicant must reserve this right-of-way for future public use. No permanent improvements may be made in this right-of-way.
2. Applicant shall dedicate right-of-way and/or provide a Public Improvement Easement along Shady Grove Road to accommodate an eight-foot shared bike/pedestrian path, and an eight-foot buffer area and bus shelter(s) and right turn lane improvements per DPW and County standards prior to the issuance of first occupancy permits.
3. Obtain permits from Montgomery County and construct the following off-site road improvement projects. The timing of these improvements will be determined through the USE permit process:
 - a. An eight-foot bike path and eight-foot tree buffer on Shady Grove Road along the frontage of the site per DPW and County requirements.
 - b. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.

- c. A right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.
 - d. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.
 - e. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
 - f. A right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.
4. The Applicant shall implement a five-foot bike lane on Piccard Drive between Redland and Millennium Trail connection at Gude to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail.
5. The Applicant shall install three traffic calming devices in the Redland corridor between Piccard Drive and Pleasant Road in the adjacent King Farm community. The devices will be coordinated with the King Farm community, approved by staff and finalized at the USE permit stage.
6. The Applicant shall upgrade the pedestrian infrastructure at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither including crosswalk markings and countdown signals per DPW and County requirements.
7. The Applicant shall coordinate and cooperate with the City, County and State as the Corridor Cities Transitway project proceeds to ensure that adequate pedestrian and bicycle facilities are provided in conjunction with the project.
8. Safe pedestrian access and adequate parking must be provided during all phases of construction.

cc: Eugene H. Cranor, Director of Public Works
Robert Spalding, Chief of Planning
Susan Straus, Chief Engineer/Environment